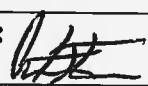


<b>LAS VEGAS POLICE DEPARTMENT</b>	<b>ADMINISTRATION</b>
<b>SUBJECT:</b> <i>Information Services</i>	<b>NUMBER: ADM.34</b>
<b>EFFECTIVE DATE:</b> <i>18 October 2011</i>	<b>REVIEW DATE:</b>
<b>AMENDS/SUPERSEDES:</b> <b>9 September 2010</b>	<b>APPROVED:</b> 
	<b>Chief of Police Christian Montano</b>
<b>NMMLEPSC STANDARDS:</b> <b>ADM.26.01 – ADM.26.12</b>	<b>NMSA:</b>

**I. PURPOSE:**

The purpose of this policy is to ensure the efficient and effective management of the Information Services function by providing administrative guidance that identifies the responsibilities and processes within the uniform and other organizational components of the department.

**II. POLICY:**

It is the policy of the Las Vegas Police Department to manage the Information Services function in an effective and efficient manner by coordinating the efforts of uniform and other organizational components as provided in this policy.

**III. APPLICABILITY:**

This policy applies to all non-commissioned employees of the Las Vegas Police Department.

**IV. REFERENCES:**

A. NMMLEPSC ADM 26.01-ADM 26.12

B. New Mexico Statutes, Annotated, 1978 Comp.

1. Inspection of Public Records Act, 14-2-1 TO 14-2-12. (1993 Revision)
2. Arrest Record Information Act, 29-10-1 TO 29-10-8.
3. Mental Health Act. 43-1-19.

**C. National Crime Information Center (NCIC) Operating Manual**

1. "System Security", Intro., Section 1.6
2. "Interstate Identification Index", Part 10
3. "Who May Access System", Section 2, Para. III.

**D. New Mexico Law Enforcement Telecommunications System (NMLETS) Operating Manual "System Security" Section.**

**V. DEFINITIONS:**

A record is defined as any report, paperwork, associated document or file generated by members of the Las Vegas Police Department during the course of their duties and normally maintained in or by the Information Services section, or documents generated by other criminal justice agencies when the original of such documents is maintained physically in or by the LVPD Information Services Division (ISD) including, but not limited to:

- A. It is the intent of this policy to establish and maintain a system for the orderly maintenance, preservation and release of records regularly maintained by the Information Services Section of the Las Vegas Police Department (LVPD) as part of normal department operations.
- B. Case File: A file maintained in numerical sequence and consisting of a Criminal Incident Report, an Intelligence Report or a Crash Report.
- C. Confidential Record: A record which has been reviewed by a supervisor and determined to contain information that reveals confidential sources, methods or information, (as described in State Law) and has been marked Confidential by that supervisor.
- D. Criminal Incident Report (CI): A report prepared when a prima facie showing of a violation of State or Municipal law occurring within the jurisdiction of the Las Vegas Police Department is presented.
- E. Intelligence Report: A report prepared when the circumstances of an event:
  1. Constitute a violation of criminal law occurring outside the jurisdiction of the LVPD;
  2. Violation of Federal Law;

3. Any other event requiring more documentation than is provided by a Record Of Call; and
  4. Any other event where this type of report is specified by policy or directive.
- F. **Arrest Report (AR):** A report prepared when a person is arrested for a violation of criminal law or pursuant to a valid arrest warrant.
- G. **Arrest Record/File:** The numerical file assigned to an individual upon their first arrest, containing, as a minimum, the original Arrest Report (or intake), a copy of the criminal complaint (if any) and other associated documents related to the arrest(s).
- H. **Protective Custody Report:** A report prepared when a person is detained for a reason not amounting to a violation of criminal law, pursuant to valid authority (e.g. Mental Evaluation, Detoxification)
- I. **Supplement:** A report prepared subsequent to, or in addition to, the original report (by the same officer or other officers) that presents data not contained in the original report or case status updates.
- J. **Crash Reports:** State mandated or Private Property reports documenting the collision or other involvement of motor vehicles as required by law.
- K. **Traffic Citations (UTC for moving violations, DI for DWI violations):** A document issued to motorists for the violation of a traffic or related law.
- L. **Criminal Citation:** A document issued in lieu of physical arrest for violations of certain petty misdemeanor criminal laws, as provided by law.
- M. **Field Interview Card (FI):** A report prepared to document officer/citizen contact that does not warrant another type of report.
- N. **Warrants:** Court issued documents authorizing the physical arrest of particular persons for specific violations.
- O. **Adjunct Records:** Reports and records generated internally by the Police Department, but under the control of the Communication Center, including, but not limited to: logs of radio, teletype and telephone transactions maintained for varying periods of time (includes audio tapes). Requests for copies, review or other disclosure are governed under Subsection XIV.
- P. **Citizens of Las Vegas have a right and a responsibility to report crimes to the LVPD. Citizens have a right to file a formal complaint against officers who fail to handle citizens concerns.**

Q. Laws of the state of New Mexico provide for the release of information maintained by long standing custom on Record of Calls (ROC'S). Such ROC'S information shall be available for inspection by representatives of the news media or the public pursuant to practice and applicable laws. For the purposes of this policy, the LVPD ROC is defined as: A report generated by the communication operator once a call for service is received. The communication operator will obtain the following information:

1. Name, address, phone number, type of call, times and dates and a short narrative of the call for service. The operator will then dispatch an officer to the call. Once the officer takes action for the call for service, a case number is obtained if police report is taken.

## **VI. PROCEDURE:**

### **I. Sleuth Records System**

- A. The sleuth records system is compatible with the New Mexico Department of Public Safety criminal records system for Uniform Crime Reports.
- B. Officers have 24 hour access to the LVPD Records system.
- C. Sleuth maintains an alphabetical master name index which cross references all documents in which a person has been named.
- D. Sleuth will maintain the following:
  1. Incidents by type
  2. Incidents by location
  3. Stolen, found, recovered and evidentiary property files
  4. Record of call file
  5. Arrest files
  6. Addresses/locations
  7. Crashes
  8. Citations
  9. Personnel data sheets
  10. Automatic numbering system for incident files

### **II. Field Reporting Requirements**

- A. Officers are required to submit the following reports
  1. Offense reports
  2. Supplemental

3. Traffic crash
4. Evidence forms
5. Intelligence reports Protective Custody
6. Animal bite reports
7. Towed vehicle
8. ACO enforcement reports

- B. All field reports will be typed into LVPD records management system and will be approved by a supervisor and submitted as a record.
- C. All traffic crash reports will be typed into Sleuth by the officer, a printed copy will be submitted to a supervisor for approval within 72 hours. The Records Section will submit a typed copy of the crash report to Santa Fe and maintain the typed copy in Sleuth.

### **III. Recording Arrest Information**

- A. Each arrest will be submitted into Sleuth under the appropriate case number.
- B. Sleuth automatically generates a criminal history for each person arrested.
- C. Each person will be fingerprinted and photographed on all felonies, misdemeanor and on all warrants where the original charge is a felony or misdemeanor.

### **IV. Maintaining a Warrant and Wanted Persons File**

- A. Warrants are obtained from the following:
  - a. Federal Court
  - b. District Court
  - c. Magistrate Court
  - d. Municipal Court
- B. Communications Operator will stamp the warrant with "Received" stamp and fill in with date and name of person receiving warrant.
- C. Communications Operator will fill out Warrant Notification/Cancellation form
- D. Communications Operator will enter the warrant into NCIC.
- E. Communications Operator will obtain a Triple I
- F. All warrants which do not fall under the NCIC guidelines will be placed on a local warrant list.



- G. All warrants will be entered into the Sleuth data base and will remain in the system until served or cancelled.
- H. The warrants and the above information will be placed in a file folder and filed alphabetically in Communications Center.
- I. Information received from other jurisdictions on warrants will be verified by teletype. Upon service of warrant, a faxed copy will be received from originating jurisdiction.
- J. The notification/cancellation form will be signed by the arresting officer or communications operator. The communications operator will remove the warrant from NCIC, will cancel the warrant in Sleuth and file the notification/cancellation form.
- K. When the Communications Operator receives information from a law enforcement officer, they will verify all identifiers available before an arrest is made.
- L. Officers have 24 hours access to the warrant list, NCIC information.

**V. Records Retention File**

- A. The LVPD will follow the legal requirements for the State of New Mexico.

**VI. Records considered Public Records, Generally**

- A. All records contained in case files maintained by the Information Services Section are considered public records by law and may be inspected by any person, or copies obtained pursuant to law, except as noted in the section "RECORDS CLOSED TO THE PUBLIC". Arrest records/files are covered later in a specific section. Records defined as "ADJUNCT RECORDS" will be screened by the Chief of Police or his designee prior to release to insure that legally defined confidential material is not included in the release.

**VII. Records Closed to the Public**

- A. Laws of the State of New Mexico provide that certain records are closed to public access and review. Records will be made available to the public in accordance with State Statute 14-2-1 NMSA.

**VIII. Sealed Records Policy**

- A. It is the intent of this policy to establish procedures for the court ordered sealing of records on current or prior offenders which are maintained by the

## **ISD of the LVPD.**

### **B. Definitions:**

- a. **Arrest Records/Files:** The numerical file assigned to an individual upon their first arrest, containing at a minimum, the original Arrest Report (or the intake), a copy of the criminal complaint (if any) and other associated documents related to the arrest(s).
- b. **Sealing of Records:** Action taken by the Las Vegas Police Department Information Services personnel to prevent the inadvertent or intentional disclosure of criminal information ordered sealed by a court. Sealing does not mean the expungement or destruction of such information.
- c. **Expungement:** The physical destruction of any said records. LVPD records that are sealed are not destroyed.

### **C. PROCEDURE**

- 1. The individual requesting a record/file be sealed must have the case evaluated by District Court or other court having jurisdiction.
- 2. Once a copy of the original District Court order has been received the following steps will be taken:
  - a. All paper work specified by the court order is placed in a manila envelope along with a copy of the court order. Any copies of the arrest paperwork that have been placed in the criminal incident report are also placed in the manila envelope.
  - b. The criminal incident report associated to the arrest being sealed is stamped "confidential" and a copy of the District Court Order is placed in the criminal incident report folder.
  - c. A notation is marked in the computer indicating the record/file has been sealed. The original arrest charge(s) is replaced to reflect the charge(s) "Sealed by District Court Order". The original statute number(s) is replaced to reflect 88-88-88, indicating sealed.
  - d. ISD will send a letter to District Court within thirty (30) days stating all records/files have been sealed in compliance with the court order. A copy of the letter is sealed in the manila envelope along with the original records.
  - e. The original ISD that was ordered sealed, along with the compliance

letter will be physically placed inside of a manila envelope. The flap to the envelope will be sealed and then taped. The initials of the records clerk sealing the record/file will be written over the taped seal.

- f. A notation will be made on the outside of the manila envelope "DO NOT OPEN PER COURT ORDER".
  - g. The copy of the court order is taped to the front of the manila envelope containing the sealed documents.
  - h. The sealed record/file is maintained by the Information Services Section, separately from all other arrest files. This file will remain sealed without public access until the "sealed order" is removed by the Governor.
- D. The same procedures are followed for Adult and Juvenile records/files. The record/file is only sealed by an order for a District Court or other court having jurisdiction.
- E. Sealing the fingerprints and criminal histories:
  - 1. Once the order has been received and the record/file has been sealed, the State of New Mexico and FBI must be notified to have the record removed from the individual's criminal history (rap sheet).
  - 2. A letter is sent to the Department of Public Safety in Santa Fe and the FBI in West Virginia stating an order has been received to have a record/file sealed. The letter is to contain the name, date of birth, social security number, arrest date, arrest charge(s), of the individual whose record/file has been sealed and a copy of the court order.
- F. If there are any specific instructions regarding the sealing of the record or file outlined in the court order, the instructions in the court order will supersede our policy and will be followed.

#### **IX. Opening "Confidential" Records**

- A. The LVPD recognizes that certain "confidential" records may lose their statutory protection as the record ages or other events occur.
- B. If a file marked "confidential" is requested, the person receiving the request shall have the report reviewed by the Division Commander of the division originating the report.

#### **X. Access to Records by other Agencies**



**A. Records Available to Certain Agencies for Criminal Justice Purposes**

1. Records maintained by the Information Services of the Las Vegas Police Department shall be provided, upon request or by policy, to other law enforcement agencies, criminal justice agencies or other lawfully authorized agencies for criminal justice purposes. If an Information Services employee has any reason to doubt that such requests are legitimate (such as for personal use or in other jobs like bill collecting) the requestor shall be asked to submit their request, in writing, to the Information Services Administrator or by teletype. Note: Children, Youth and Families is not considered Law Enforcement

**B. Telephone and Fax Requests**

1. Telephone requests by other agencies will be honored only if the Information Services Employee is certain the call originates from that agency. If this is not known for certain, the request will be refused and the requestor asked to submit the request through the law enforcement teletype or radio systems for verification of the agency identity. FAX requests on letterhead stationary of the agency will also be honored.

**XI. Records Security**

**A. Statement of Policy**

1. The LVPD declares that an orderly system for the release of records requires that employees release record information only in accordance with specific policy. Information contained in the records maintained in the Information Services Section shall only be released to persons outside this department in accordance with the specific provisions of this policy. Therefore, no employee shall divulge the contents of any police record except as herein provided.
  - a. EXCEPTION: Information Services personnel may release information contained on the Record of Calls to the news media. Requests for more information than what is contained in the Record of Calls shall be directed to the Chief of Police or designated Public Information Officer.

**B. Removal of Original Records from the Records Section**

1. The original of all records shall remain in the custody of the Information Services Section. When personnel need reports for court or other purposes, copies will be provided by Information Services Personnel through the

authorized procedure. Records released to the public under these sections will similarly be done by copy. Specific approval of the Custodian of Records must be obtained before originals may be removed from the Information Services Section (Information Services Section supervisors are authorized to check out case files for officers' use in court when the case file is lengthy and would require extensive copying).

- C. In order to maintain the integrity of the computerized records, only authorized employees have access through the use of user names issued by Computer Operations. An annual audit of the central records system is completed by Computer Operations for verification of passwords, access codes or access violations.

### **XIII. Inspection/Obtaining Copies of Public Records**

#### **A. Public Records Open:**

- 1. All records designated as "Public Records" are open for inspection by the public during posted business hours of the Information Services Section. Copies of "Public Records" may be purchased by the public pursuant to the posted fee schedule. Prior to records being inspected or copies being purchased, a "Request to Inspect" form will be completed. After completion of the form it will be placed in the report folder.

#### **B. Inspection Process:**

- 1. Based on the legal significance of police records and to preserve the integrity of the record(s), original records will not be removed from the Information Services Section. Persons wishing to inspect Public Records may do so either in the presence of an Information Services Section Clerk or by purchasing copies.

#### **C. Purchase of Copies of Public Records:**

- 1. Copies of Public Records may be purchased from the Information Services Section during posted business hours.

#### **D. Copies to be stamped:**

- 1. All copies of records released pursuant to this policy shall be stamped with one of three Stamps maintained in the Information Services Section: All NCIC III returns shall be stamped with the stamp designated for that purpose; all arrest record reports shall be stamped with the stamp designated for that purpose (see RELEASE OF ARREST RECORD INFORMATION section for exceptions); and all other copies of reports shall be stamped with the stamp reading:

- a. "This is a copy of a document maintained by The Information Services Section of The Las Vegas Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

#### **XIV. Release of Arrest Record Information**

##### **A. Statement of Policy & Content, Arrest Record Information**

1. Arrest Records Files maintained by the LVPD ISD are the original record of all arrests made by LVPD Personnel, and certain other agencies. Copies of records from other agencies (dispositions from courts, reports from other agencies, etc) are often obtained and included in Arrest Records Files. The original of those documents are retained by the originating agency. Therefore, the LVPD makes no certification of the accuracy of the information contained in any document in any file that is not originated by the LVPD. Such copies should be considered as "informational" only and questions concerning them should be directed to the originating agency.

##### **B. Written Request/Authorization Required:**

1. Standard form for requesting arrest record information will be maintained in the Information Services Section and will be available to persons requesting such information. Requests on forms other than LVPD forms will be honored as long as they meet the content requirements set forth elsewhere in this section. If the person has an arrest file, a copy of the request will be placed in the person's arrest file by Information Services personnel.

##### **C. Release of Arrest Record Information**

1. Arrest record/file information contained in the LVPD files may be released under the following conditions:

##### **D. Criminal Justice Agencies:**

1. Arrest record information may be provided pursuant to requests from legitimate criminal justice agencies (law enforcement, military, courts, prosecutors, probation/parole, etc.) in accordance with the above section dealing with "ACCESS TO RECORDS BY OTHER AGENCIES". Public and private defenders are not authorized, except as indicated below and should be directed to contact the District Attorney to obtain the records, Children, Youth and Families is not considered a law enforcement agency.

**E. Individuals:**

1. Arrest records may be examined and copies obtained by the person named in the particular record, or by their counselor or their agent, provided:
2. The person produces verification of identity by one or more of the following:
3. Government issued picture I.D.;
4. Comparison of arrest file identifiers with the person (fingerprints, handwriting, photos, identifying marks, etc.);
5. By providing to a Notary Public such proof of identity as the notary may require to issue a notarized statement attesting to the person's identity; or
6. Provides to their counselor agent a written and notarized authorization for counsel or agent to obtain arrest records and the authorization contains the full name, date of birth and any other numbers that may be necessary to establish positive identification (SSN, Driver's License, etc.); or
7. By mail, provided the requestor submits notarized proof of identity as specified in (1) and/or notarized authorization for release to attorney/agent as specified in (2).

**XIV. Information Supplied on Request:**

- A. Persons submitting valid requests for arrest record information will be provided with arrest information contained in Las Vegas Police Department arrest files concerning arrests where they were arrested by the Las Vegas Police Department and our Information Services Section maintains the original reports of the event. No NCIC Interstate Identification Index (III) or other records from other agencies shall be provided to anyone not employed by a legitimate criminal justice agency and under the provisions of preceding sections.
- B. Official Copies to be stamped:
  1. All copies of arrest records or any other document containing arrest record information, other than the standard request form that is provided by the police departments, shall be marked with a stamp containing information on the ARREST RECORDS INFORMATION ACT (this information is incorporated on the standard request form). Copies of Arrest Records or printouts that do not have the Arrest Records Information Act Stamp affixed or statement included are declared to be illegal copies obtained outside the provisions of this policy.



**C. Psychological and Detoxification Records Handled Separately:**

1. Mental Evaluation detentions and Detoxification detentions will not be included with Arrest Record reports. Persons wishing to obtain records of these types of detentions must apply specifically, in writing to the Information Services Administrator, for these records and must meet all of the above identification requirements.

**D. Computer Records Used:**

1. Unless copies of the arrest record are specifically requested, a synopsis of the record showing the date of arrest(s), charge(s) and disposition (if contained in LVPD records) will be given to the person requesting. If copies are requested, the standard copy charge will apply.

**E. Challenges to Contents of Arrest Records/Files:**

1. Persons believing their arrest record contains incomplete or inaccurate information shall be directed to contact the Information Services Administrator to initiate a challenge to the content of the record as provided by law (29-10-8, NMSA 1978).

**XV. NCIC and other Teletype Criminal Histories (Refer to NCIC Policy also)**

**A. Dissemination Limited:**

1. The dissemination of NCIC Interstate Identification Index (III) records is limited to criminal justice agencies by law. All transfers of NCIC III returns will be done by printed copy and the receiver must sign the NCIC III log. Only requests resulting in negative histories will be given verbally.

**2. Non-NCIC Criminal History Checks:**

- a. Criminal history checks obtained from other sources (commonly called IQ, FQ & AQ) via teletype shall be handled in the same manner as for NCIC III information, except that the receiver does not have to sign for the printed copy.

**3. Security Stamp Required:**

- a. All NCIC III and other teletype criminal history returns shall be marked



with a stamp containing dissemination information prior to being filed or transferred to the requestor.

**XVI. Other Teletype Records Confidential: (Refer to NCIC Policy also)**

- A. Information and records obtained via the police teletype system are confidential and shall not be disclosed to anyone outside criminal justice agencies without the approval of a Division Commander or higher (excludes all NCIC, which is covered above). For the purposes of this section, teletype records include, but are not limited to: vehicle registration checks, driver's license checks, informational teletypes, etc.

**XVII. Access to adjunct Records (as defined in Subsection II P)**

- A. These records are an indispensable source for criminal and internal investigations and training. Audio recordings of radio and telephone transmissions are maintained per the adopted retention schedule. These recordings are filed numerically by Julian date and maintained in the Communications Center. Only Communications Personnel will access these recordings.
- B. Requests from an outside agency or entity must be submitted in writing for specific adjunct records. This request will be forwarded to the Communications Supervisor.
  - 1. Any requests should specify the date, approximate time and location, incident or personnel involved.
  - 2. A copy of the request will be placed in the case file, if applicable, with the original request being forwarded to the Communications Supervisor.
- C. Requests from Department personnel must be submitted in writing for specific adjunct records. This request may be forwarded directly to the Communications Supervisor for retrieval.
  - 1. These requests should be limited to that information needed for legitimate business use, including internal or criminal investigations and training.
  - 2. A copy of the request will be placed in the case file, if applicable, with the

original request being forwarded to the Communications Supervisor.

**XVIII. Police Records Policy References**

- A. New Mexico Statutes, Annotated, 1978 Comp.
- B. Inspection of Public Records Act, 14-2-1 TO 14-2-12. (1993 Revision)
- C. Arrest Record Information Act, 29-10-1 TO 29-10-8.
- D. Mental Health Act. 43-1-19.
- E. National Crime Information Center (NCIC) Operating Manual
  - 1. "System Security", Intro., Section 1.6
  - 2. "Interstate Identification Index", Part 10
  - 3. "Who May Access System", Section 2, Para. III.
- F. New Mexico Law Enforcement Telecommunications System (NMLETS) Operating Manual "System Security" Section.

**VII. ATTACHMENTS:**

None